

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION**

**SYLVESTER LEE BRANCH**

**PETITIONER**

**V.**

**CIVIL ACTION NO.: 3:10-CV-255- HTW-LRA**

**STATE OF MISSISSIPPI**

**RESPONDENT**

**ORDER ADOPTING REPORT AND RECOMMENDATION  
AND DISMISSING CASE**

Before the court is the Report and Recommendation of United States Magistrate Judge Linda Anderson [docket no. 23] and the objections filed by the petitioner [docket no. 24]. Judge Anderson, in the Report and Recommendation, recommends that this court dismiss the petitioner's request for a writ of habeas corpus, under Title 28 U.S.C. § 2254, to set aside his conviction in the Circuit Court of the First Judicial District of Hinds County, Mississippi, and to grant him a new trial. This court, having given full consideration to the aforesaid objection, finds the same not well taken. Therefore, the Report and Recommendation of the United States Magistrate Judge is hereby adopted as the order of this court.

**IT IS THEREFORE ORDERED** that this case is dismissed for plaintiff's failure to state a claim on which relief may be granted.

**SO ORDERED AND ADJUDGED, this the 18<sup>th</sup> day of July, 2013.**

**/s/ Henry T. Wingate  
UNITED STATES DISTRICT JUDGE**